

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 234.6(4), the Department of Human Services amends Chapter 65, "Food Assistance Program Administration," Iowa Administrative Code.

This amendment shortens the maximum period for which the Department can collect on a Food Assistance claim that is the result of an agency error. With this change, the Department will be limited to establishing a claim for benefits incorrectly issued up to a maximum of one year before the date the Department's error is discovered.

The Department is making this change so that the process for correcting agency errors will be more equitable. If Food Assistance benefits are underissued, the Department goes back only 12 months when issuing corrective benefits. However, the Department currently goes back 36 months to collect on benefits overissued due to agency error. Most agency errors are discovered within 12 months. Since all collected overpayments for agency errors are paid to the federal government, the state will not lose out on potential collections.

Claims resulting from household errors will continue to be calculated for up to 36 months before the date when the error is discovered. Claims resulting from intentional program violations will continue to be calculated for up to six years before the date when the violation is determined.

This amendment does not provide for waivers in specified situations because shortening the claim period is a benefit to households with overissued benefits due to an agency error.

Notice of Intended Action for this amendment was published in the Iowa Administrative Bulletin on April 22, 2009, as **ARC 7724B**. The Department received no comments on the Notice of Intended Action. This amendment is identical to that published under Notice of Intended Action.

The Council on Human Services adopted this amendment on June 10, 2009.

This amendment is intended to implement Iowa Code section 234.6(7).

This amendment shall become effective on September 1, 2009.

The following amendment is adopted.

Amend subrule 65.21(1) as follows:

65.21(1) *Time period.* Inadvertent household error ~~and agency error~~ claims shall be calculated back to the month the error originally occurred to a maximum of three years ~~prior to~~ before the month of discovery of the overissuance. Agency error claims shall be calculated back to the month the error originally occurred to a maximum of one year before the month of discovery of the overissuance.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/09.